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JOHN M. BARROWS  
EXECUTIVE DIRECTOR

January 8, 2007

Chairman and members  
Senate Judiciary Committee

Re: SB 109

I am John Barrows, Executive Director of the Montana Newspaper Association, which represents 86 Montana weekly and daily newspapers, with a combined readership of over 400,000, and we regrettably stand in opposition to SB 109.

We applaud Sen. Liabe for his efforts to correct a serious fault that the 2006 Supreme Court decision in the case of Fleenor v. Darby School District. That decision placed bars in the way of a citizen attempting to enforce his or her rights to know and participate in government actions, guaranteed in the Montana State Constitution, and requires proof of standing to protect those rights beyond that of citizenship.

This bill deals with this issue, and in Section 1, part 1, lines 9-13, adequately states that right, but in part 2, lines 14-15, it then takes it away for anyone not being a resident within the geographic boundaries of the agency being sued.

These rights are important to individuals, and are people rights, not press rights. The press, however, utilizes these rights and stands in for the public as their eyes and ears when they cannot attend for themselves.

In many instances, the newspaper, radio or television station, has far greater responsibilities than just the jurisdiction of a single agency. The Billings Gazette reaches nearly half the counties in the state, and is a primary source of news for nearly 50,000 Montanans. On the other extreme, the Dillon Tribune, with 3,000 readers, covers two counties, a city, several townships, a hospital district, 10 school districts, numerous weed districts, two hospital districts and other agencies.... in most of which the paper and its employees do not reside.

Even small papers, such as the Choteau Acantha, cover government happenings in nearby Dutton, and have experienced the reluctance of a government agency there, a school board, to even allow them to cover a meeting, citing the decision of the Supreme Court in Fleenor, because they did not belong to that District.

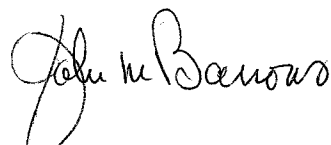
In the past it has been the press which has helped shaped the way the law has been interpreted though lawsuits and in many cases these suits have included agencies for which the paper itself, or the reporter, did not live within its jurisdiction. The Montana Newspaper Association itself has been party to several such suits, as have many Montana newspapers, news organizations, radio and television stations and professional associations.

Having the right to attend a public meeting and participate in the actions of government mean little if they cannot be enforced, through suit if needed, and lines 14-15 effectively limit that right.

Many actions of government agencies have effects outside of their boundaries, not just for the press, but the public as well, and the public deserves to have the needed standing to observe and participate in these actions as well.

We respectfully request that the committee consider an amendment to SB15 to take out lines 14 and 15, at which we would be proud to support the bill.

Sincerely,

A handwritten signature in cursive script, reading "John M. Barrows".

John M. Barrows  
Executive Director  
Montana Newspaper Association